

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA,	§	
	§	
Plaintiff,	§	
	§	Criminal No. 3:08-CR-163-D (01)
VS.	§	
	§	
BRANDON EUGENE GETACHEW,	§	
	§	
Defendant.	§	

ORDER

Defendant Brandon Eugene Getachew's ("Getachew's") November 12, 2014 motion for reduction of sentence pursuant to 18 U.S.C. § 3582(c) is granted to the extent that his sentence is reduced to a total of 180 months' imprisonment and a term of supervised release of 5 years.

Getachew moves the court to reduce his sentence under 18 U.S.C. § 3582(c) based on Amendment 782 to the United States Sentencing Guidelines. The government does not oppose the motion to the extent that the court sentences Getachew to 120 months' imprisonment on count one, which is the mandatory minimum. The government's response does not explicitly address count four, which requires a mandatory consecutive sentence of 60 months' imprisonment.

The court addressed in detail in a July 13, 2014 memorandum opinion and order Getachew's prior motion for reduction of sentence under Amendment 750. The court will not repeat the reasoning set out there when it reduced his sentence at that time. The minimum sentence of imprisonment for which Getachew is now eligible by statute is 180 months. Based on the court's consideration of Getachew's November 12, 2014 motion, the government's response, and the court's prior decision reducing Getachew's sentence, the court concludes that it should reduce Getachew's sentence based on Amendment 782 as follows: to 120 months on count one, 120 months on count

two (to run concurrently with count one), and 60 months on count four (to run consecutively to counts one and two), for a total sentence of 180 months' imprisonment.

Accordingly, the judgment of the court filed on May 1, 2009 (as modified by the court's July 13, 2012 memorandum opinion and order) is further modified at page 2 so that the portion of the sentence that reads:

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of: one hundred fifty-one (151) months on count 1, one hundred twenty (120) months on count 2, and sixty (60) months on count 4, for a total term of imprisonment of two hundred eleven (211) months.

is modified to read:

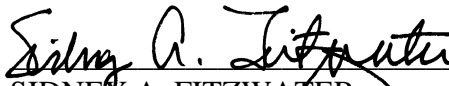
The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of: one hundred twenty (120) months on count 1, one hundred twenty (120) months on count 2, and sixty (60) months on count 4, for a total term of imprisonment of one hundred eighty (180) months.

In all other respects the original judgment and sentence of the court shall stand as entered.

The clerk of court shall provide copies of this memorandum opinion and order to the usual recipients, and shall also transmit a copy to the Bureau of Prisons.

SO ORDERED.

February 2, 2015.


SIDNEY A. FITZWATER
UNITED STATES DISTRICT JUDGE